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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,220	07/29/1999	JAY SENIOR	200786	9117

7590 06/11/2003

LEYDIG VOIT & MAYER LTD
TWO PRUDENTIAL PLAZA
SUITE 4900
180 NORTH STETSON
CHICAGO, IL 606016780

EXAMINER

CHUNG TRANS, XUONG MY

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 06/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/364,220

Applicant(s)

SENIOR ET AL.

Examiner

Xuong M. Chung-Trans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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1. This is responsive to communication filed on March 25, 2003.
2. In the amendment filed on March 25, 2003, claims 1, 12-18, 20, 27-29 and 37 have been amended. Thus, claims 1-37 are still pending in this application.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheurich (U.S. Pat. No. 5,848,266) in view of Bertin et al (U.S. Pat. No. 5,687,167).

As per claims 1, 20, 34 and 37, Scheurich discloses a method and apparatus for adaptively adjusting allocated bandwidth value to a plurality of devices (322, 324, 326, 328 and 330) connected to a processor 305 via a shared bus 332, comprising the steps of: determining whether the available bandwidth is satisfied the requested device to obtain bandwidth and requesting the host controller 320 to re-adjust the existing bandwidth allocation to the devices if the available bandwidth is not satisfied with the bandwidth requested by the requested device wherein the re-adjusting bandwidth includes a process of ordering a particular device to change

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its particular bandwidth allocation in accord with a priority policy (col. 3, lines 56-58 and col. 4, lines 59-65 of Scheurich). Scheurich does not specifically disclose a step and/or means for resetting the particular device to release the entire particular bandwidth allocation as part of the re-adjusting bandwidth if the particular device failed to change its particular bandwidth.

However, Bertin et al specifically disclose such a step and/or means for resetting/terminating a particular device connection (i.e., occupying a particular allocated bandwidth) in order to allow the device having a higher priority to get connection (col. 1, lines 6-12; col. 2, lines 64-67; and col. 4, lines 11-16 of Bertin et al). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to employ such a step/means for resetting a device with a lower priority into the invention of Scheurich to produce the claimed invention because Bertin et al specifically teach that such a step and/or means allows more efficient use of the particularly of the bandwidth available in the high bandwidth networks operation.

As per claims 2-3, 11-19, 21-31 and 35-36, Scheurich discloses that the share bus is USB or firewire bus (see col. 5, lines 49-57). Further, Bertin discloses the use of the bandwidth message to inform the network's user whether the bandwidth request is successfully or fails (col. 13, lines 58-62).

As per claims 4-5 and 9-10, Scheurich discloses that the host controller connected to the USB makes such a rebalancing request and determines whether the allocated bandwidth is satisfied the first device bandwidth request. (Col. 6, lines 30-53).

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As per claims 6-8 and 32-33, Bertin et al discloses that the method for dynamically adjusting the bandwidth can be implemented using a user mode and/or kernel mode and window brand operation system Management Instrumentation (col. 6, lines 16-25).

5. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xuong M. Chung-Trans whose telephone number is 703-305-9772. The examiner can normally be reached on Monday and Thursday from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley, can be reached on (703) 308-2319. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



X.M. Chung-Trans



SUMATI LEFKOWITZ
PRIMARY EXAMINER